

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

FILED

MAR 25 2013

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:13-cr-00098

18 U.S.C. § 1343

JOEY R. PHALIN

18 U.S.C. § 2

I N F O R M A T I O N

The United States Attorney Charges:

COUNT ONE
(Wire Fraud)

Background

At all relevant times:

1. Defendant JOEY R. PHALIN was a sourcing agent for the Slip Ridge #2 mine, owned and operated by Marfork Coal Company, a subsidiary of Alpha Natural Resources ("Alpha").

2. The Slip Ridge #2 mine was situated in or near Whitesville, Raleigh County, West Virginia.

3. An entity known to the United States Attorney ("Tire Vendor") provided goods and services to the Slip Ridge #2 mine.

The Scheme

4. From at least November 2011 through at least May 2012, at or near Whitesville, Raleigh County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant

JOEY R. PHALIN, together with others known and unknown to the United States Attorney, aided and abetted by each other and others, did knowingly devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, that is, to defraud and obtain money by false pretenses from his employer.

Purpose of the Scheme

5. It was a purpose of the scheme for defendant JOEY R. PHALIN and others to enrich themselves by embezzling money from Alpha.

Manner and Means of the Scheme

6. In furtherance of the scheme, defendant JOEY R. PHALIN would and did use the manner and means as set forth below.

7. In his position as a sourcing agent, Defendant JOEY R. PHALIN would and did generate a false and fraudulent purchase order to, among other vendors known and unknown to the United States Attorney, Tire Vendor purporting to purchase goods or services for the Slip Ridge #2 mine operations.

8. Defendant JOEY R. PHALIN would and did submit the false and fraudulent purchase order to a person employed by Tire Vendor.

9. Tire Vendor would and did purposefully not deliver the goods or services referenced in the false and fraudulent purchase order, but nonetheless would and did submit a false and fraudulent invoice to Alpha for payment affirmatively stating that said goods and services had been delivered.

10. Defendant JOEY R. PHALIN and others would and did process the false and fraudulent invoice for payment knowing that said goods and services had not been delivered.

11. Tire Vendor would and did use a portion of the payment on the false and fraudulent invoice to provide Defendant JOEY R. PHALIN and others things of value in exchange for approving payment of the false and fraudulent invoice.

Use of Wires in Furtherance of the Scheme

12. On or about May 31, 2012, in or near Whitesville, Raleigh County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant JOEY R. PHALIN, together with others known and unknown to the United States Attorney, aided and abetted by each other and others, for the purpose of executing the scheme, and attempting to do so, knowingly transmitted and caused to be transmitted by means of wire communication in interstate commerce writing, signs, signals, pictures and sounds, a wire transfer payment of \$1,013.00 from the bank account of Alpha Natural Resources held on deposit with PNC Bank in or near Pittsburgh, Pennsylvania to the bank account

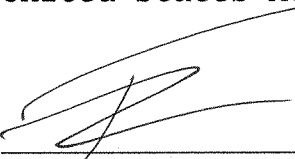
of Tire Vendor held on deposit at United Bank in or near,
Charleston, Kanawha County, West Virginia.

In violation of Title 18, United States Code, Sections 1343
and 2.

UNITED STATES OF AMERICA

R. BOOTH GOODWIN II
United States Attorney

By:



THOMAS C. RYAN
Assistant United States Attorney